

INTERNATIONAL SEARCH REPORT

International application No

PCT/IL 04/00716

| A CLASSIFICATION OF SUBJECT MATTER IPC(7) : B62M 1/14 US CL. : 280/259, 250 1 According to International Patent Classification (IPC) or to both national classification and IPC | | |
|--|---|---|
| B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) U.S. : 5/86.1; 280/242 1, 249, 250 1, 259, 260, 304 1; 297/105, 313, Dig 4 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) BRS on EAST | | |
| C. DOCUMENTS CONSIDERED TO BE RELEVANT | | |
| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
| X | US 5,573,261 A (MILLER) 12 November 1996 (12.11 1996), see entire document | 17-23, 26-28 |
| Y | | 1-8, 13-16, 24, 25, 29 |
| Y | US 4,625,984 A (KITRELL) 2 December 1986 (02.12 1986), see entire document | 1-8, 13-16, 24, 25, 29 |
| Y | US 6,257,608 A (HANSON) 10 July 2001 (10 07 2001), see entire document | 7 |
| A | US 6,547,265 B1 (ENGE ET AL.) 15 April 2003 (15 04 2003), see entire document | 1-29 |
| A | US 4,732,402 B1 (LAMBERT) 22 March 1988 (22 03 1988), see entire document | 1-29 |
| <input type="checkbox"/> Further documents are listed in the continuation of Box C <input type="checkbox"/> See patent family annex. | | |
| * Special categories of cited documents: | | |
| A | document defining the general state of the art which is not considered to be of particular relevance | T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| E | earlier application or patent published on or after the international filing date | X document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| L | document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | Y document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents such combination being obvious to a person skilled in the art |
| O | document referring to an oral disclosure, use, exhibition or other means | |
| P | document published prior to the international filing date but later than the priority date claimed | & document member of the same patent family |
| Date of the actual completion of the international search 26 May 2005 (26.05.2005) | | Date of mailing of the international search report 07 JUL 2005 |
| Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | | Authorized officer Anne Marie M. Boehler Telephone No. 571-272-3600 |

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No

PCT/IL04/00716

Box No. I Basis of this opinion

1 With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2 With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3 ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished

4 Additional comments:

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|---|--|---|
| Applicant's or agent's file reference | | Date of mailing (day/month/year) 07 JUL 2005 |
| 154874.2 IL | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. | International filing date (day/month/year) | Priority date (day/month/year) |
| PCT/IL04/00716 | 04 August 2004 (04.08.2004) | 04 August 2003 (04.08.2003) |
| International Patent Classification (IPC) or both national classification and IPC | | |
| IPC(7): B62M 1/14 and US Cl.: 280/259, 250.1 | | |
| Applicant | | |
| POENIA, LTD. | | |

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

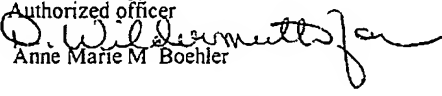
2 FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220

3 For further details, see notes to Form PCT/ISA/220.

| | |
|---|--|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P O Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | Authorized officer  Anne Marie M. Boehler Telephone No 571-272-3600 |
|---|--|

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IL 04/00716

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1 Statement

| | | |
|-------------------------------|--------------------------------|-----|
| Novelty (N) | Claims <u>1-16, 21, 23-26</u> | YES |
| | Claims <u>17-20, 22, 27-29</u> | NO |
| Inventive step (IS) | Claims <u>9-12</u> | YES |
| | Claims <u>1-8, 13-29</u> | NO |
| Industrial applicability (IA) | Claims <u>1-29</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Claims 17-20, 22, 27, and 28 lack novelty under PCT Article 33(2) as being anticipated by Kitrell

Claims 21, 23, and 26 lack an inventive step under PCT Article 33(3) as being obvious over Kitrell. Kitrell teaches a wheelchair with a manual driving mechanism 22 mounted on an outer side of a flat rigid member that extends in a vertical plane. A transmission mechanism 21 is on an inner side of the rigid member (as seen in Figure 3). Kitrell is silent regarding ribs and a shell. However, it would not have involved an inventive step to provide a shell with reinforcing ribs, as is a well known design expedient, in order to provide a strong, light weight structure.

Claims 1-6, 8, 13-16, 24, 25, and 29 lack an inventive step under PCT Article 33(3) as being obvious over Miller in view of Kitrell. Miller shows a wheelchair with a frame and four wheels that is sized to pass through a conventional bathroom door. It lacks a manual drive wheel connected to carrying wheels by transmissions. Kitrell shows a wheelchair with a drive wheel 22 connected to carrying wheel 20 by a transmission 21. It would not have involved an inventive step to provide the Miller wheelchair with a manual drive wheel and transmission as taught by Kitrell, in order to improve stability and maneuverability.

Claim 7 lacks an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of Hanson. The combination lacks a movable armrest. Hanson shows a wheelchair with a tubular pocket 132 that slidably receives an armrest support leg. It would not have involved an inventive step to provide a retractable armrest, as taught by Hanson, in order to provide easy sideways access to the seat.

Claims 9-12 the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a seat cover that pivots downwardly about an axis adjacent the front edge of the seat.

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.